

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

AUG 17 2005

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte ROGER COLLINS

Application No. 09/902,515

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (hereinafter "Board") on July 8, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On December 2, 2004, the Board mailed an Order Returning Undocketed Appeal (hereinafter "Order") to the examiner wherein the Board ordered the examiner to consider the Information Disclosure Statement (IDS) filed on November 17, 2003 and to take corrective action with respect to the Computer Dictionary reference.

A review of the application reveals that the examiner has complied with the Order mailed on December 2, 2004 by considering the IDS filed on November 17, 2003 and notifying appellant in

writing as to consideration of the IDS. However, on January 24, 2005, the examiner mailed a "corrected version" of the Examiner's Answer to include the Computer Dictionary in the prior art of record. However, a review of the Examiner's Answer mailed on January 24, 2005 reveals that there is no evidence to indicate that an appeals conference was conducted by the examiner. According to the Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., Rev. 2, May 2004):

On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

Accordingly, it is

ORDERED that the application is returned to the examiner for taking corrective action regarding the appeals conference, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
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